

REMARKS

In view of the amendments and remarks presented herein, the Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejections and allowance of the subject application. In the Office Action, the Examiner rejected claims 1-7, 12-13 and 17-19 under 35 U.S.C. 102(b) as being anticipated by Takahata et al. (JP405130541A, hereinafter "Takahata"). The Examiner rejected claims 8-11, 14-16, 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over Takahata et al. ("JP 405,13054A"). It is noted that the citation of the reference contained typographical errors. Two Takahata et al. references have been cited, each having similar reference numbers, JP405130541A and JP405130540A. However, in a telephone conversation with the Examiner on February 6, 2004, it was confirmed that the Examiner relied upon Takahata JP405130541A for the 103 rejection as well as the 102 rejection.

In this amendment, the Applicant has amended claims 1, 12, 17 and 20, added new claims 22-25 and cancelled claims 13-16 and 18-19. In light of these amendments and remarks, the Applicant respectfully traverses these rejections.

Claim Rejections Under 35 USC 102

The Applicant respectfully asserts that independent claims 1, 12 and 17 are allowable because Takahata fails to teach, suggest or disclose all the elements of these claims.

Claim 1, as amended, recites a first and second top panel "wherein the first top panel is disposed between the front panel and the bracket and the second top panel is disposed between the rear panel and the bracket, and wherein the top panels and optical unit form an inner wall between the upper and lower compartments." As stated in the application, one aspect of the present invention includes the ability to form an inner wall separating the space within the lower compartment from the space within the upper compartment of the enclosure (See, for example, p. 7, ll. 16-19; p. 12, ll. 4-6; and p. 16, ll. 15-19). The separation of the two compartments provides certain advantages such as preventing dust and other foreign materials from entering the upper compartment, where the mirror and screen are mounted.

Conversely, the television in Takahata does not include top panels which form an inner wall separating a lower compartment from an upper compartment. Figure 1 of Takahata shows a

cross section of the interior space of the television and clearly shows that the interior of the television is one continuous space lacking any type of top panels that form an inner wall. In addition, the remaining Figures 2-9 of Takahata also fail to teach, suggest or disclose top panels that form an inner wall. Therefore, because Takahata fails to teach, suggest or disclose all of the elements of independent claim 1, the Applicant respectfully requests that the rejection to claim 1 be withdrawn.

With regard to the remaining claims, the application states that many disadvantages are present in the existing techniques for mounting an optical unit to an enclosure. One such disadvantage is the fact that the attachment of the optical units tends to be cumbersome and labor intensive. Another disadvantage is the fact that the need to ensure that the optical units are aimed in the proper direction introduces variables, such as tolerance stacking, into the production of each television set. Thus, one goal of the present invention is to provide more efficient and reliable means for properly mounting an optical unit to an enclosure (see, for example, p. 3).

Claim 12, as amended, recites "an elongate body having a top surface, a bottom surface, a first end, a second end, and a notch extending between the first and second ends along the top surface, wherein the notch engages the bracket of the optical unit, and wherein the elongate body is positioned on the side panels to aim the projection assemblies of the optical unit toward the mirror." As stated in the application, the notch allows the engagement of the bracket to the side panels without the need for additional attachment elements such as screws, nails and the like (see, for example, p. 14, ll. 16-20). The bracket can still be attached with these attachment elements if desired. However, the use of the notch alone provides a more efficient and reliable means for properly mounting the bracket to the side panels than the use of an angled element, such as element (d) of Takahata. This is because that without the notch, the bracket would be prone to slide off of the angled element. Thus, the risk of the bracket sliding during attachment introduces an undesirable variable into production of the television and a risk that the optical unit will not be properly aimed. Furthermore, because the bracket must be held in place during attachment, the production of the television is cumbersome and labor intensive.

As the Examiner notes in the Action, Takahata fails to disclose a notch for holding the bracket in place on the angled element. The Examiner suggests that the use of a "notch joint would have been employed because it would aid the installer to place the projector assemblies on

the elements (d) more accurately and readily.” The Applicants respectfully submit that this is an improper hindsight analysis of what one of skill in the art would be motivated to do. Takahata does not disclose a notch. The application clearly states that the existing techniques have many disadvantages, including the introduction of undesirable variables into the production processes, which are both cumbersome and labor intensive. The use of a notch eliminates many of these disadvantages.

Although the Examiner suggests that one of skill in the art would be motivated to use a notch, the fact remains that none of the existing techniques at the time of the invention, nor any of the cited references, disclose the use of a notch in mounting an optical unit to a television enclosure. If one of skill in the art would have considered the notch to be obvious, then certainly either one of the cited references would have made reference to the notch, or the notches themselves would have been implemented to eliminate the disadvantages in the existing techniques. Therefore, for these reasons, the Applicant respectfully requests that the rejection to claim 12 be withdrawn.

Claim 17, as amended, recites “wherein at least one of the first and second ends comprises a detent located on the bottom side of the bracket, the detent sized to fit into a corresponding notch located on the attachment region of the side panel.” Takahata fails to disclose a notch or a detent sized to fit the notch. For this reason and the similar reasons discussed above with regard to claim 12, the Applicant respectfully requests that the rejection to claim 17 be withdrawn.

Claim Rejections Under 35 USC 103

The Applicants respectfully assert that independent claim 8 is allowable because Takahata fails to teach, suggest or disclose all the elements of the claim, and because the invention of claim 8 would not be obvious to one of skill in the art.

Claim 8 recites “a bracket mounted within the angled openings of the at least two side panels.” As the Examiner notes in the Action, Takahata does not disclose angled openings. However, the Examiner states that Takahata clearly suggests that there must be some kind of attachment means between the elements (d) and the side panels. The Examiner then states that because the use of a mortise and tenon joint in the field of woodworking is known, one of skill in

the art would find it obvious to mount the bracket to the television enclosure with angled openings (see Action, pp. 3-4). The Applicant respectfully submits that the Examiner is engaging in an improper hindsight analysis of what one of skill in the art would find obvious at the time of the invention.

First, the fields of woodworking and projection televisions are vastly different. As its name clearly suggests, woodworking involves wood. The mortise and tenon joint are both composed from or within wood. Here, the television is an electronics device composed mostly of plastics and metals and other man-made compositions. For instance, the bracket is not made of wood because wood does not provide the structural integrity necessary to mount and securely hold the projection units. Furthermore, the projection units can include cathode ray tubes (CRTs), which dissipate a great deal of heat. The use of a wood bracket would increase the risk of fire and one of skill in the art would be clearly motivated not to use wood. Therefore, a comparison of the fields of woodworking and projection televisions is invalid because, at the very least, one of skill in the art would be motivated not to use wood in the construction of the bracket.

Second, the Examiner's statement that Takahata clearly suggests that there must be some kind of attachment means between the elements (d) and the side panels is not relevant here. Claim 8 does not require the use of any additional element to attach the bracket to the side panels. Claim 8 clearly recites attaching the bracket within the angled openings of the side panel and not the attachment of the bracket to an additional element that is then attached within the angled openings.

Finally, as discussed above with regard to the notch, the use of angled openings eliminates disadvantages that persisted in the production processes of the techniques existing at the time of invention. As disclosed in the application, the angled openings can be sized to tightly fit the bracket and secure the bracket therein (see, for example, p. 13, ll. 6-8). Thus, the use of the openings provides a more efficient and reliable means for properly mounting the bracket to the side panels than only an angled element, such as element (d) of Takahata. This is because without the angled openings, the bracket would be prone to slide off of the angled element. Thus, the risk of the bracket sliding during attachment introduces an undesirable variable into production of the television and a risk that the optical unit will not be properly aimed.

Furthermore, because the bracket must be held in place during attachment, the production of the television is cumbersome and labor intensive.

As was conceded by the Examiner, Takahata does not disclose angled openings. In addition, none of the remaining cited references disclose angled openings. Although the Examiner still suggests that one of skill in the art would be consider the angled opening to be obvious, the fact remains that none of the existing techniques at the time of the invention, nor any of the cited references, disclose the use of the angled openings in mounting an optical unit to a television enclosure. If one of skill in the art would have considered the opening to be obvious, then certainly either one of the cited references would have made reference to angled openings, or the openings themselves would have been implemented to eliminate the disadvantages in the existing techniques. Therefore, for these reasons, the Applicant respectfully requests that the rejection to claim 8 be withdrawn.

Conclusion

The Applicant respectfully submits that independent claims 1, 8, 12 and 17 are in condition for allowance. Furthermore, because dependent claims 2-7, 9-11 and 20-25 depend therefrom, the Applicant respectfully submits that these claims are in like condition for allowance. Accordingly, reconsideration and allowance of the application is requested. If the Examiner has any questions or comments, the Examiner is invited to call the undersigned at (949) 567-6700.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 6, 2004

By: 

Kenneth S. Roberts
Reg. No. 38,358

4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 949-567-6710